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AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of Delaware~~SEALED~~UNSEALED
10/4/21
EJKUnited States of America
v.
KHALIL RODRIGUEZ-FITZGERALDCase No.
21-57M

Defendant(s)

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 11, 2021 in the county of New Castle in the
District of Delaware, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § Section 922(g)(1)	Felon in possession of firearm

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.Marissa Favata Gallen

Complainant's signature

Marissa Favata Gallen, SA, ATF

Printed name and title

Sworn to before me over the telephone and signed by me pursuant to Fed R. Crim. P.4.1 and 4(d).

Date: 02/19/2021Sherry R. Fallon
Judge's signatureCity and state: Wilmington, Delaware

Hon. Sherry R. Fallon, U.S. Magistrate Judge

Printed name and title

I, Marissa Favata Gallen, being duly sworn, hereby depose and state as follows:

1. Your affiant, Marissa Favata Gallen, is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”), and has been employed as such since August 2019. I am currently assigned to the ATF Baltimore Field Division, Wilmington Field Office. I have a Bachelors Degree in Science majoring in Health Education with a concentration in Community Outreach from East Stroudsburg University and a Masters Degree in Science majoring in Management from the Johns Hopkins University Public Safety Leadership Program. In October 2018, I attended the Department of Homeland Security’s Criminal Investigator Training Program and the ATF’s Special Agent Basic training at the Federal Law Enforcement Training Center for a combined total of 26 weeks. I received extensive training in the provisions of firearms and narcotics laws administered under Title 18, Title 21, and Title 26 of the United States Code.

2. I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws.

3. I am currently assigned to the investigation of Khalil RODRIGUEZ-FITZGERALD (“RODRIGUEZ-FITZGERALD”). I make this affidavit in support of a criminal complaint and arrest warrant for RODRIGUEZ-FITZGERALD for a violation of Title 18 United States Code, Section 922(g)(1), Felon in Possession of a Firearm.

4. All information contained in this Affidavit is either personally known by me or has been told to me by other law enforcement agents unless otherwise indicated. Because this Affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included every fact known to be concerning this investigation. Rather, I have

set forth only the facts that I believed are necessary to establish probable cause that RODRIGUEZ-FITZGERALD possessed a firearm after knowing that he had previously been convicted of a felony punishable by more than a year of imprisonment, in violation of 18 U.S.C. Section 922(g)(1).

PROBABLE CAUSE

5. On February 10, 2021, Delaware State Police (DSP) attempted to conduct a traffic stop on RODRIGUEZ-FITZGERALD in Delaware for multiple traffic violations. RODRIGUEZ-FITZGERALD fled from DSP Officers into Pennsylvania. The pursuit was terminated once RODRIGUEZ-FITZGERALD crossed over the state line into Pennsylvania. DSP obtained a felony arrest warrant for RODRIGUEZ-FITZGERALD for fleeing from the police.

6. On February 11, 2021, law enforcement officers witnessed RODRIGUEZ-FITZGERALD exiting the Hotel, Room 244. Knowing that RODRIGUEZ-FITZGERALD was currently wanted for a felony arrest, officers took RODRIGUEZ-FITZGERALD into custody. Two cell phones and approximately 2.5g of crack cocaine were seized from RODRIGUEZ-FITZGERALD's person.

7. Officers then consulted with management at the Hotel. Agents learned that the Room 244 was rented in the name of a female, who was on probation at that time. Hotel staff informed agents that the female rented the room on February 9, 2021 for one night. On the morning of February 10, 2021, RODRIGUEZ-FITZGERALD went into the Hotel office and asked to extend their stay in Room 244 another night. He paid for the additional night in cash. He attempted to reserve the additional night stay in his name, but because he did not have identification, the room was left in the female's name.

8. An administrative search was conducted of Room 244. The female was present in the room when officers knocked at the door to conduct the search.

9. Officers located a loaded Glock, Model 19x, tan in color, 9mm, semi-automatic handgun with serial number BPEF023 in the drawer of the nightstand between two beds. Also in the drawer was approximately \$1,800 in cash. The firearm was loaded with a magazine containing 9mm ammunition as well as a round of 9mm ammunition located in the chamber of the firearm. Below is a photo of the firearm seized from Room 244.



10. Agents executed two search warrants in this Court to search the cell phones found on RODRIGUEZ-FITZGERALD's person. The search warrant was executed on February 12, 2021. In one of RODRIGUEZ-FITZGERALD's phones, agents found a video of an individual holding a tan Glock firearm box, opening the Glock firearm box, and displaying a tan Glock firearm that appears to be the same firearm seized from Room 244:



11. Agents reviewed surveillance footage from the Hotel and saw RODRIGUEZ-FITZGERALD leaving Room 244 on February 10, 2021, soon before the DSP traffic pursuit. The aforementioned female was also seen leaving the room that morning, soon after the traffic pursuit.

12. After reviewing RODRIGUEZ-FITZGERALD's criminal history, your affiant knows that prior to his arrest, RODRIGUEZ-FITZGERALD was convicted in March 2014 for Possession of a Deadly Weapon and convicted in July 2013 for Tier 1 Possession of a Controlled Substance, both convictions in the Superior Court of Delaware. RODRIGUEZ-FITZGERALD

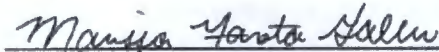
is aware that he was convicted of a crime punishable by more than one year imprisonment because he served 3 years imprisonment for the above mentioned March 2014 conviction.

13. Through my training and experience, your affiant knows that the above mentioned Glock firearm is not manufactured in the State of Delaware, and therefore this firearm would have traveled in interstate commerce for it to have been received in the State of Delaware. The Glock firearm seized in this investigation was purchased in the state of North Carolina.

CONCLUSION

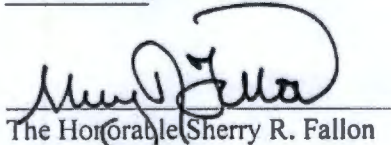
14. Based on the information provided to me by law enforcement and my personal knowledge, there is probable cause to believe that RODRIGUEZ-FITZGERALD violated 18 USC § 922(g)(1), that is, he was a convicted felon in possession of a firearm affecting interstate commerce and therefore respectfully request that the court issue a complaint and arrest warrant for RODRIGUEZ-FITZGERALD.

Respectfully submitted,



Marissa Favata Gallen, Special Agent
Bureau of Alcohol, Tobacco, Firearms, and
Explosives

Sworn to before me over the telephone and signed
by me pursuant to Fed.R.Crim. P. 4.1 and 4(d) on
02/19/2021.



The Honorable Sherry R. Fallon
United States Magistrate Judge
District of Delaware